

**MINUTES OF THE JOINT SAN JOSÉ CITY COUNCIL
AND REDEVELOPMENT AGENCY BOARD**

SAN JOSÉ, CALIFORNIA

TUESDAY, APRIL 6, 2004

The Council of the City of San José convened at 5:36 p.m. to hear Item 7.1 in a Joint Session with the Redevelopment Agency Board in Council Chambers at City Hall.

Present: Council Members - Campos, Chavez, Chirco, Cortese, Dando, Gregory, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members - None.

JOINT REDEVELOPMENT AGENCY/CITY COUNCIL ITEM

7.1 Approval of actions related to a lease with BTN Restaurant, LLC (dba Lee's Sandwiches), for City owned space located in the Fourth Street Garage and master leased to the Redevelopment Agency.

(a) Adoption of a resolution by the City Council accepting the summary of costs and findings of the Summary 33433 Report and the Estimated Reuse Valuation pursuant to the California Health and Safety Code Section 33433 for the lease to BTN Restaurant, LLC (dba Lee's Sandwiches) of approximately 5,155 square feet of City owned ground floor retail space at 88 South Fourth Street that is master leased to the Redevelopment Agency, and making certain findings.

(b) Approval by the City Council and Redevelopment Agency Board of an amended and restated lease with BTN Restaurant, LLC, for the property located at 88 South Fourth Street, for approximately 5,155 square feet of ground floor rental space.

(c) Adoption of a resolution by the City Council authorizing the City Manager to execute a Certificate of Nondisturbance and Attornment with BTN Restaurant, LLC, under the terms of the Master Lease between the City and the Agency.

CEQA: Exempt, PP03-12-396 [CIVIC PLAZA]

Documents Filed: Memorandum from Redevelopment Agency Interim Director Harry Mavrogenes, and City Manager Del Borgsdorf, dated April 6, 2004, recommending adoption of said resolutions, and approval of an amendment and restated lease with BTN Restaurant, LLC.

Discussion/Action: Upon motion by Council Member Chavez, seconded by Vice Mayor Dando, and carried unanimously, the amended and restated lease with BTN Restaurant, LLC, for the property located at 88 South Fourth Street, for approximately 5,155 square feet of ground floor rental space was approved and its execution authorized; and Resolution No. 72041, entitled: "A Resolution of the Council of the City of San José Accepting the Summary of Costs and Findings of the Summary 33433 Report and the

7.1 (Cont'd.)

Estimated Reuse Valuation Pursuant to the California Health and Safety Code Section 33433 for the Lease of Approximately 5,155 Square Feet of Ground Floor Retail Space at 88 South Fourth Street to BTN Restaurant, LLC (DBA Lee's Sandwiches); Making Certain Findings, and Authorizing the City Manager to Execute a Certificate of Nondisturbance and Attornment with BTN Restaurant, LLC, Under the Terms of the Master Lease Between the City and Agency", was adopted. Vote: 11-0-0-0.

7.2 Making certain determinations required by Redevelopment Law for the funding of Public Improvements in the form of streetscape work in the Spartan/Keyes SNI and award of a construction contract.

- (a) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for the funding of Public Improvements in the form of streetscape work in the Spartan/Keyes Strong Neighborhoods Initiative (SNI) project area;**
- (b) Adoption of a resolution by the Agency Board awarding the contract to True Green Land Care, the low bidder, in the amount of \$83,400, and establishing a contingency in the amount of \$8,340 for the Keyes Street Streetscape Improvement Project.**

CEQA: Exempt, PP04-03-085 [SNI: SPARTAN/KEYES]

Documents Filed: Memorandum from Redevelopment Agency Interim Director Harry Mavrogenes, dated April 6, 2004, recommending adoption of said resolutions.

Discussion/Action: Upon motion by Council Member Chavez, seconded by Council Member Gregory, and carried unanimously, Resolution No. 72043, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Required by Redevelopment Law, Health and Safety Code Section 33445, for the Funding of Public Improvements in the Form of Streetscape Work in the Spartan/Keyes Strong Neighborhood Initiative Project Area; and Redevelopment Agency Board Number, were adopted. Vote: 11-0-0-0.

ADJOURNMENT

The Council of the City of San José, and Redevelopment Agency Board adjourned at 5:38 p.m.

RON GONZALES, MAYOR

ATTEST:

DEANNA J. SANTANA, ACTING CITY CLERK

smd/04/06/04JT-RDAmin